

DAG # 34

PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
14149-4US FC/VC

First named inventor: Louis-Philippe Vézina

Application No.: 09/678,303

Art Unit:

Filed: October 3, 2000

Examiner:

Title: **PROMOTER FOR REGULATING EXPRESSION OF FOREIGN GENES**

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 640.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Filing the Combined Declaration (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

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OFFICE OF PETITIONS

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640.00 DP

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer-fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

February 28, 2002

Date

Signature

Telephone

Number: (514) 847-4263

France Côté, Reg. No. 37,037

Typed or printed name

Address



020988

PATENT AND TRADEMARK OFFICE

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Date

Signature

Type or printed name of person signing certificate



Patent
Attorney's Docket No. 14149-4US FC/VC/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Louis-Philippe Vézina *et al.* EXAMINER:
SERIAL NO.: 09/678,303 ART UNIT:
FILED: October 3, 2000
FOR: PROMOTER FOR REGULATING EXPRESSION OF FOREIGN GENES

**PETITION FOR REVIVAL OF
AN UNINTENTIONALLY ABANDONED APPLICATION.**

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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

It is respectfully requested that the above referenced patent application which became abandoned on October 2, 2001 failing to respond to the Official Action dated April, 2001, is make revived.

It is respectfully submitted that the undersigned never received a copy of the Notice to File Missing Parts of Non-Provisional Application and therefore the delay in filing the required declaration and the payment of the late declaration surcharge was unintentional. Enclosed is a copy of the cover letter for resending correspondence received at our office on January 28, 2002 with a copy of the Notice of Missing Part pursuant to a Status Inquiry made at the USPTO.

Enclosed is a cheque in the amount of \$705.00 to cover the prescribed Government petition fee set forth in 37 CFR 1.17(m) and the payment of the late declaration. Also enclosed is a continuation-in-part application of the above-mentioned application and the combined declaration duly executed by the applicants.

.../2

Assistant Commissioner for Patents

US SN 09/078,303

It is also respectfully submitted that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.


Also submitted is a duly executed Assignment along with the cover form and payment of prescribed fees.

The Commissioner is hereby authorized to charge any deficiency in the required fee or to credit any overpayment to Deposit Account No. 19-5113

Confirmation that the Application has been revived is requested.

Respectfully submitted,

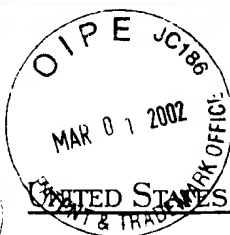
Date: February 28, 2002



France Côté
Registration No. 37,037

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY DOCKET NO./TITLE |
|--------------------|-------------|------------------------|-----------------------|
| 09/678,303 | 10/03/2000 | Louis-Phillippe Vezina | 14149-4 "US" FC/ntb |

CONFIRMATION NO. 5731

RESEND COVER LETTER



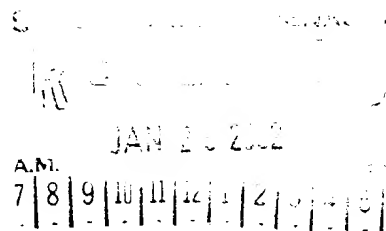
OC000000007325370

20988
OGILVY RENAULT
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

Date Mailed: 01/17/2002

COVER LETTER FOR RESENDING CORRESPONDENCE

A courtesy copy of the Notice mailed on 04/02/2001 is enclosed. The time period for reply continues to run from the mail date of that Notice.



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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|------------------------|------------------------|
| 09/678.303 | 10/03/2000 | Louis-Phillippe Vezina | 14149-4 "US" FC:ntb |

20988
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CANADA

FORMALITIES LETTER



OC000000005924119

Date Mailed: 04/02/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Final Ext Term**Filing Date Granted**Missing Parts*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

A copy of this notice MUST be returned with the reply.

M. Young
Customer Service Center

Initial Patent Examination Division (703) 308-1202

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03/04/2002 CNGUYEN 00000102 09678303

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65.00 DP